

REMARKS

Claims 16, 18-25, 27, 29-36 and 42-54 are pending in the application. Claims 27 and 33 have been amended. Reconsideration of this application is respectfully requested.

The Office Action objects to claim 27 because it depends on canceled claim 26. Claim 27 has been amended to depend on claim 53. Accordingly, it is submitted that the objection has been obviated by the Amendment and should be withdrawn.

The Office Action objects to claims 33-36 because claim 33 recites “The apparatus of claim 52”, which is a method claim. Claim 33 has been amended to depend on apparatus claim 53. Accordingly, it is submitted that the objection has been obviated by the Amendment and should be withdrawn.

The Office Action rejects claims 42-47, 48-52, 16, 18-25, 27, 29-36, 53 and 54 under 35 U.S.C 103(a) as unpatentable over U.S. Patent No. 6,056,009 to Leymann et al., hereafter Leymann, in view of U.S Patent No. 6,298,307 to Murphy et al., hereafter Murphy.

This rejection is traversed for the reasons set forth below.

Leymann lacks elements or steps of independent claims 42, 48 and 51-54, which are not disclosed by Murphy. Therefore, the combination of Leymann and Murphy does not disclose, teach or have all of the elements or steps of claims 42, 48 and 51-54.

Leymann lacks “an activity framing program that responds to input data entered by a user to define a data structure” in which “said first event is framed by said first activity” as recited by independent claims 42, 48 and 51. Leymann discloses an implementation of computerized activities within a workflow management system (WFMS). Leymann processes an event by treating it as an event activity 100 (Fig. 1, column 3, lines 57-62, column 11, lines 44-50 and column 12, lines 29-42. Leymann

processes activities including the event activity 100 as a sequence of activities, column 7, lines 62-64. Thus, Leymann's WFMS processes the activities in sequence, there being no activity that frames an event.

The Examiner contends that Leymann discloses a framing program that defines a data structure in which an event is framed by an activity, citing column 9, lines 55-67, column 10, lines 1-14, column 12, lines 64-67, and column 13, lines 1-8. The columns 9 and 10 citations describe the assignment of work activities to "the right people in the sequence prescribed by the control flow aspect of a business process model", but does not disclose a data structure in which an event is framed by an activity. The columns 12 and 13 citations describe the control connectors of an event activity as being "treated as usual", meaning the same as other activities, but does not disclose any activity that frames an event. It is noted that these citations describe Leymann's WFMS in general terms. The Examiner has not specifically identified any specific activity that frames a specific event. Accordingly, Leymann does not teach or disclose "an activity framing program that responds to input data entered by a user to define a data structure" in which "said first event is framed by said first activity", as recited by independent claims 42, 48 and 51.

Murphy was cited for a different reason and does not teach or disclose an activity that frames an event. Murphy's event and activity are one and the same, e.g., a baseball game. Murphy's system merely responds to the end user's request for a weather forecast for the date and place of the baseball game. Murphy does not disclose or teach any activity that frames an event. Accordingly, Murphy does not supply the claimed framing program that Leymann lacks. Thus, the combination of Leymann and Murphy lacks "an activity framing program that responds to input data entered by a user to define a data structure" in which "said first event is framed by said first activity" as recited by independent claims 42, 48 and 51.

The Examiner admits that Leymann also lacks "wherein said framing program further responds to a request that identifies said first activity and said first attribute of

said first activity by using said data structure to access said data of said process to retrieve event data of said first event” as recited by independent claims 42, 48 and 51. The Examiner contends that “Murphy teaches identifying the activity based on the time and date”, citing column 2, lines 32-42, and column 10, lines 55-67. The Examiner concludes that it would be obvious to modify the teachings of Leymann with the teaching of Murphy to “incorporate the use of identifying activities in the process to retrieve event data, in the same conventional manner as described by Murphy”, citing the column 2 citation.

The Examiner bases the conclusion on the column 2 citation that uses “event “ and “activity” in two separate sentences without distinguishing one from the other. It is clear from the example in column 9 that Murphy uses “event and ”activity” as one and the same, namely, a baseball game. Thus, Murphy responds to a user request identifying a baseball game, its date, time and place, to provide a customized weather forecast. In Murphy’s system, event and activity are one and the same, e.g., a baseball game. Therefore, Murphy does not teach a system that responds to a request that identifies an activity that frames an event to access data of the event.

Since Leymann and Murphy each lack a framing program that responds to a request that identifies an activity that frames an event to retrieve the event data, the combination of Leymann and Murphy also lacks the request as recited in independent claims 42, 48 and 51.

Leymann lacks the step of “generating an access request that is based on a data structure that comprises a plurality of activities and events of said process, one or more attributes of a first one of said activities, and one or more attributes of a first one of said events, wherein said first event is framed by said first activity”, as recited by independent claims 52-54.

The Examiner contends that Leymann discloses the generating step, citing Figs. 1 and 8, column 3, lines 62-67, column 4, lines 1-30 and column 10, lines 1-67. The

columns 3 and 4 citations describe the WFMS as treating an event as an event activity 100 (Fig. 1, column 3, lines 57-62, column 11, lines 44-50 and column 12, lines 29-42. Leymann processes activities including event activity 100 as a sequence of activities, column 7, lines 62-64. Thus, Leymann's WFMS processes the activities in sequence, there being no activity that frames an event. Therefore, Leymann lacks the generating step recited in independent claims 52-54.

Murphy was cited for a different reason and does not teach or disclose an activity that frames an event. Murphy's event and activity are one and the same, e.g., a baseball game. Murphy's system merely responds to the end user's request for a weather forecast for the date and place of the baseball game. Murphy does not disclose or teach any activity that frames an event. Accordingly, Murphy does not supply the generating step that Leymann lacks. Thus, the combination of Leymann and Murphy lacks the generating step as recited by independent claims 52-54.

The Examiner admits that Leymann lacks the using step of independent claims 52-54, but contends that the combination of Leymann and Murphy does. The Examiner contends that Murphy discloses a Weather Data Ingest & Assimilation system that retrieves data or relevant information from the various received data streams for use in the generation of the requested forecast, citing column 5, lines 52-60 and column 6, lines 50-67. The column 5 citation merely describes that the Weather Data Ingest & Assimilation must extract relevant data from the data streams without any mention of the data structure of the weather data or the access request. Accordingly, Murphy's access must compare the place of the event, the event date and the event time with the entire data stream to extract the relevant data. This is contra to Applicants' claimed invention in which the access request is based on a data structure so as to retrieve the data of an event without a detailed data item by data item comparison procedure.

Moreover, since Murphy lacks an access request based on a data structure, Murphy must also lack the step of using such a data access request. Thus, the

combination of Leymann and Murphy lacks the using step as recited by independent claims 52-54.

The rejection of independent claims 42, 48 and 51-54 is further traversed because the combination of Leymann and Murphy lacks motivation. The Examiner contends that the motivation is “to enhance Leymann’s system to check and analyze event and activity data of a process according to an input data structure. There is no suggestion in either Leymann or Murphy “to check or analyze event and activity data of a process”. Without a suggestion, there is no motivation.

The Office Action suggestion to Leymann in combination with Murphy is improperly based on the hindsight of Applicants’ disclosure. Such hindsight reconstruction of the art cannot be the basis of a rejection under 35 U.S.C. 103. The prior art itself must suggest that modification or provide the reason or motivation for making such modification. In re Laskowski, 871 F.2d 115, 117, 10 USPQ 2d 1397, 1398-1399 (CAFC, 1989). “The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made.” Sensonics Inc. v. Aerosonic Corp. 38 USPQ 2d 1551, 1554 (CAFC, 1996), citing Interconnect Planning Corp. v. Feil, 774 F. 2d 1132, 1138, 227 USPQ 543, 547 (CAFC, 1985).

The rejection of dependent claims 16 and 18-25, 27 and 29-33, 43-47, and 49-50 is traversed for the same reasons set forth above in the discussion of their respective independent claims 52, 53, 42 and 48.

Moreover, the rejection of claims 30-32 is erroneous because Leymannn does not disclose an item of equipment and a device of the equipment as recited in claims 30-32. The Examiner contends that these claims are disclosed at column 15, lines 1-15 of Leymann. It is noted that the event generator and the event monitor described in this citation are software programs as described at column 13, lines 50-63, and not items of equipment or devices of an equipment.

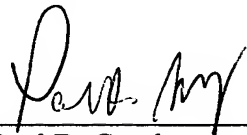
For the reasons set forth above, it is submitted that the rejection of claims 16, 18-25, 27, 29-36 under 35 U.S.C. 103(a) is obviated by the amendment and should be withdrawn.

The Office Action cites a number of patents that were not used in the rejection of the claims. These patents have been reviewed, but are believed to be inapplicable to the claims.

It is respectfully requested for the reasons set forth above that the objection to the claims be withdrawn, that the rejection under 35 U.S.C. 103(a) be withdrawn, that claims 16, 18-25, 27, 29-36 and 42-54 be allowed and that this application be passed to issue.

Respectfully Submitted,

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Paul D. Greeley
Reg. No. 31,019
Attorney for Applicants
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford, CT 06901-2682
(203) 327-4500